

**Board of County Commissioners  
Agenda Item Summary**

Meeting Date: **July 14, 2004**  
Bulk Item: Yes ☐ No ☒

Division: Board of County Commissioners  
Department: **George R. Neugent**

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**AGENDA ITEM WORDING:**

**Approval by the Board of County Commissioners to accept the return of the Marathon Yacht Club back into ownership of the County as originally conveyed to the City of Marathon as requested through resolution by the Marathon Yacht Club and the City of Marathon.**

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**ITEM BACKGROUND:**

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**PREVIOUS RELEVANT BOCC ACTION:**

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**CONTRACT/AGREEMENT CHANGES:**

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**STAFF RECOMMENDATIONS:**

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**TOTAL COST:**

NA

**BUDGETED:** YES ☐ NO ☐

**COST TO COUNTY:** \$

Source of Funds: \_\_\_\_\_

**REVENUE PRODUCING:** YES ☐ NO ☐ **AMT PER MONTH:** **YEAR:**

**APPROVED BY:** COUNTY ATTY ☐ OMB/PURCHASING ☐ RISK MANAGEMENT ☐

**APPROVAL:**

*M for George R. Neugent*

Commissioner GEORGE R. NEUGENT  
DISTRICT II

**DOCUMENTATION:** INCLUDED ☒ TO FOLLOW ☐ NOT REQUIRED ☐

**DISPOSITION:**

**AGENDA ITEM #**

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## *MEMORANDUM*

TO: Commissioner George Neugent

FROM: James L. Roberts  
County Administrator

DATE: April 28, 2004

SUBJECT: Marathon Proposed Interlocal Agreement for the Marathon Yacht Club

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At the meeting of the Board of County Commissioners on April 21, 2004, you requested a copy of the proposed Interlocal Agreement from Marathon for the transfer of the title of the Marathon Yacht Club back to the County. That proposal is enclosed.

I know you will recall that the City of Marathon was most adamant during the negotiations after incorporation in reference to having the Yacht Club transferred. The County Commission agreed and the property was transferred to the City including the right to any revenues that might accrue as a result of that ownership.

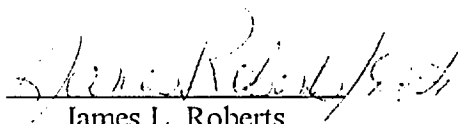
Apparently, there is now ad valorem tax expense and the City wishes to return the Yacht Club to County ownership but only until such time as the ad valorem issue is resolved. Then the City wants to have the ownership of the Yacht Club returned to it.

I can understand that there is some interest on the Commission that this might be appropriate as a cooperative effort with the City. If that is the case, please be aware of the following issues:

1. The County Attorney's office should obviously conduct legal review of the provisions.
2. Section 3, in its various subsections, places requirements upon the County in reference to how it deals with the lessee and the lease even while it is within County ownership. Apparently, the City anticipates the return of the property to the City and the City is attempting to control what the County does with the property in the interim.
3. Section 5 provides those conditions under which the City would agree to accept the conveyance of the property. This places into the hands of the City and the lessee the ability to control how the County deals with the property and any of the lessees. Notwithstanding that, Section 5.3 requires the County to return the property within 45 days if any of the above conditions are met.

4. Nowhere is there any identification of costs that might be incurred by Monroe County during the term in which it has ownership of the property. In fact, there could conceivably be an opportunity for the County to spend significant money and then be required to return the property to the City on 45 days notice.
5. There should be a provision with the City to hold the County harmless for anything that transpired during the City's ownership of the property, whether the liability extends from actions by the City or by the lessee.

If the Board wishes to pursue this, I am sure that there can be some agreements developed on the above issues. There may be more issues with which the County Attorney will be concerned. I only remind the Board that this is a change of the understanding the County had with the City and previous comments made by the Board.

  
James L. Roberts  
County Administrator

JLR:dif

Enc.

Cc: Board of County Commissioners  
John R. Collins, County Attorney

**Special Meeting of Board of Governors  
Marathon Yacht Club  
July 27, 2004**

A Special Meeting of the Board of Governors of the Marathon Yacht Club was called to order at 1:pm

Present: Commodore Fred Hundhammer, V/C Ron Ferguson, R/C Larry Wagner, Treasurer Lou Vedros, P/C Dave Brown, Board Members: Clyde Burnett, Ken Baker, Glenn Boe, Dennis Kulig, Chrissy Royce, George Richter.

The only business discussed was the following:

**Resolution: Marathon Yacht Club will support all efforts by Monroe county Commissioner George Neugent to return the Yacht Club property and lease and the adjacent Bay Bottom lease from the City of Marathon to Monroe County without reservations. All leases would be returned in their present status removing the tax liability from the City or the Yacht Club.**

The resolution was passed unanimously.

The meeting was adjourned at 1:45pm

Fred Hundhammer, Commodore